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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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LARADA SCIENCES, INC., a Delaware  
Corporation,

Plaintiff/Counterdefendant,

v.

PEDIATRIC HAIR SOLUTIONS  
CORPORATION, a North Carolina  
Corporation,

Defendant/Counterclaimant.

**DECLARATION OF SARAH E.  
ELSDEN IN OPPOSITION TO  
PLAINTIFF'S MOTION FOR LEAVE  
TO FILE FIRST AMENDED  
COMPLAINT, TO ADD DEFENDANTS,  
AND TO LIFT STAY**

Case No.: 2:18-cv-00551-RJS-PMW

Chief Judge Robert J. Shelby  
Chief Magistrate Judge Paul M. Warner

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I, Sarah E. Elsden, declare as follows:

1. I am one of the attorneys for Defendant/Counterclaimant Pediatric Hair Solutions Corporation (“PHS”). I am over the age of 18 years and otherwise competent to testify as to the matters set forth herein. I make this declaration from personal knowledge and the books and records of my firm.

2. On January 10, 2020, I participated in telephone call with Andrew Strickland of my firm and Larada Sciences, Inc.’s then-counsel, Jason D. Boren. We discussed the Court Clerk’s email request dated December 30, 2019, seeking an update on the status of the stay. Mr. Boren conveyed that Larada would soon engage new counsel. During that call, we agreed the stay should be continued an additional sixty days to allow the parties to continue settlement discussions.

3. On January 23, 2020, my firm tendered a settlement offer to counsel for Larada in attempt to settle this action and a related patent infringement action pending before the Western District of North Carolina, styled *Larada Sciences, Inc. v. Pediatric Hair Solutions Corporation, FloSonix Ventures, LLC*, case number 3:18-cv-00320-RJC-DSC, Western District of North Carolina (the “Patent Action”).

4. On February 21, 2020, new counsel for Larada, Peter M. Stasiewicz, rejected PHS’s settlement offer and, instead, submitted a proposed amended complaint. Mr. Stasiewicz sought PHS’s consent for leave to file its proposed amended complaint.

5. A true and correct copy of a letter dated August 11, 2017, from counsel for Larada Sciences, Inc., Quinton J. Stephens, to counsel for PHS, Chris Clark, was produced by

PHS in discovery in this action on December 4, 2018, identified as PHS000002-PH000004, and is attached to my declaration at Exhibit A (without enclosures). The relevant portions are highlighted in yellow for the Court's convenience.

6. A true and correct copy of Larada Sciences, Inc.'s Complaint filed in the Patent Action (ECF No. 1) is attached to my declaration at Exhibit B.

7. Attached to my declaration at Exhibit C is a true and correct copy of excerpts taken from Larada Sciences, Inc.'s Opening Claim Construction Brief filed in the Patent Action (ECF No. 25). The relevant portions are highlighted in yellow for the Court's convenience.

8. On December 4, 2018, PHS made its first disclosure of documents identified as PHS1-PHS1211. On December 18, 2018, PHS produced additional documents identified as PHS1212-188128. On March 14, 2019, PHS made a third supplemental production identified as PHS188129-190119.

9. Larada served written discovery requests to PHS and FloSonix Ventures, LLC in the Patent Action seeking, in part, materials containing or relating to reverse-engineering of Larada's devices. The parties in this action and in the Patent Action agreed documents produced in response to requests for production made in either case may be used by the requesting party in both cases.

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I hereby state under penalty of perjury under the laws of the United States that to the best of my knowledge, information and belief, the foregoing statements are true, and as to statements of belief, that I believe them to be true.

Dated this 30<sup>th</sup> day of March, 2020 at Spokane, Washington.

/s/ Sarah E. Elsden  
SARAH E. ELSDEN

## CERTIFICATE OF SERVICE

I certify I am employed by the law firm of Lee & Hayes P.C., 601 W. Riverside, Suite 1400, Spokane, Washington 99201, and pursuant to Federal Rules of Civil Procedure Rule 5(b), a true and correct copy of the foregoing **Declaration of Sarah E. Elsden** was delivered to the following this 30th day of March, 2020, by:

- Hand Delivery
- Depositing the same in the U.S. Mail, postage prepaid
- CM/ECF System
- Electronic Mail

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/s/ Sarah E. Elsden